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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte PETER DROGE, NICOLE CHRIST, and ELKE LORBACH

Appeal 2010-003660
Application 10/082,772
Technology Center 1600

Before DONALD E. ADAMS, LORA M. GREEN, and
STEPHEN WALSH, Administrative Patent Judges.

GREEN, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the Examiner's rejection of claims 29, 30, 32-39, 43-51, and 58. We have jurisdiction under 35 U.S.C. § 6(b).

STATEMENT OF THE CASE

Claim 29 is representative of the claims on appeal, and reads as follows:

29. A method of sequence specific recombination of DNA in a eukaryotic cell, comprising:

(a) providing said eukaryotic cell, said cell comprising a first DNA segment integrated into the genome of said cell, said first DNA segment comprising an attB sequence according to SEQ ID NO: 1 or a derivative thereof, an attP sequence according to SEQ ID NO:2 or a derivative thereof, an attL sequence according to SEQ ID NO:3 or a derivative thereof, or an attR sequence according to SEQ ID NO:4 or a derivative thereof;

(b) introducing a second DNA segment into said cell, wherein if said first DNA segment comprises an attB sequence according to SEQ ID NO: 1 or a derivative thereof, said second DNA segment comprises an attP sequence according to SEQ ID NO:2 or a derivative thereof, wherein if said first DNA segment comprises an attP sequence according to SEQ ID NO:2 or a derivative thereof, said second DNA segment comprises an attB sequence according to SEQ ID NO: 1 or a derivative thereof, wherein if said first DNA segment comprises an attL sequence according to SEQ ID NO:3 or a derivative thereof said second DNA segment comprises an attR sequence according to SEQ ID NO:4 or a derivative thereof, or wherein if said first DNA segment comprises an attR sequence according to SEQ ID NO:4 or a derivative thereof said second DNA segment comprises an attL sequence according to SEQ ID NO:3 or a derivative thereof; and

(c) further comprising providing to said cell a modified bacteriophage lambda integrase Int, wherein said modified Int is Int-h or Int-h/218, which induces sequence specific recombination through said attB and attP or attR and attL sequences.